

### **REMARKS**

This responds to the Office Action dated September 13, 2005.

Claims 15 and 26 are amended, and claims 19 and 29 have been cancelled. Claims 15-18, 20-28, 30-33, 35 and 37 are now pending in this application.

#### **§103 Rejection of the Claims**

Claims 15, 17-21, 25-31 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lu et al. (U.S. Patent No. 5,458,623) in view Sun et al. (U.S. Patent No. 5,755,739) and Kroll (EP 1155711A2). Claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lu et al. (U.S. Patent No. 5,458,623) in view Sun et al. (U.S. Patent No. 5,755,739) and Kroll (EP 1155711A2) and further in view of Callaghan et al. (U.S. Patent No. 4,895,152). The rejections are traversed and reconsideration is respectfully requested.

Claims 15 and 26 have been amended to recite a system and method, respectively, in which: 1) a determination as to whether capture of the heart by multiple pacing pulses has been achieved is performed by comparing a test waveform with a template waveform representing capture of the heart by each of the pacing pulses delivered collectively by the pacing channels and, 2) a determination as which of the delivered pacing pulses have achieved capture is performed by comparing the test waveform with template waveforms representing capture of the heart by each of the pacing pulses delivered individually by the pacing channels. Applicant does not believe that the combination of Lu (teaching capture verification for single pacing pulses), Sun et al. (teaching the use of two pacing channels), and Kroll (teaching biventricular pacing) teaches or suggests such a method or system. Applicant therefore finds no teaching or suggestion in the prior art of record for the recitations of claims 15 and 26 as amended herein nor any teaching or suggestion of their combination with the limitations added by claims 16-18, 20-25, 27-28, 30-33, 35 or 37.

*Allowable Subject Matter*

Claims 22-24, 32, 33 and 37 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In view of the foregoing remarks, applicants respectfully request withdrawal of the objections.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (847) 432-7302 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

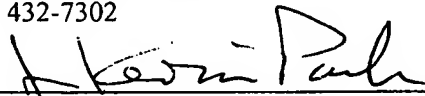
Respectfully submitted,

DAVID TERNES ET AL.

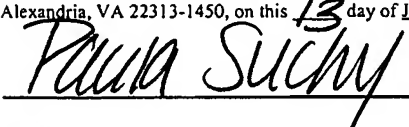
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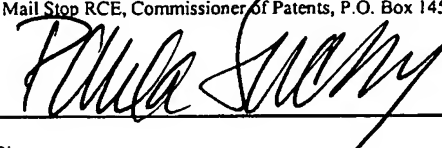
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Date 1-13-06

By   
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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop RCE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 13 day of January, 2006.

  
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